


  
**FEDERAL REGISTER**  
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*Washington, Wednesday, May 22, 1940*

**Rules, Regulations, Orders**

**TITLE 7—AGRICULTURE**

**CHAPTER V—FEDERAL SURPLUS  
COMMODITIES CORPORATION**

**RULES OF PROCEDURE AND PRACTICE GOVERNING THE INVESTIGATION AND DETERMINATION OF ALLEGED VIOLATIONS OF REGULATIONS AND CONDITIONS PERTAINING TO FOOD ORDER STAMPS<sup>1</sup>**

**SECOND AMENDMENT<sup>2</sup>**

Sections 202 (c), 202 (e), 204, and 205 of the "Rules of Procedure and Practice Governing the Investigation and Determination of Alleged Violations of Regulations and Conditions Pertaining to Food Order Stamps," made and prescribed by the President of the Federal Surplus Commodities Corporation on January 16, 1940, and published in the **FEDERAL REGISTER** January 23, 1940, as amended, are hereby further amended as follows:

Section 202 (c) is hereby amended by adding at the end thereof the following:

"The President, Acting President, Executive Vice President, or such officer or employee of the Corporation as may be designated for the purpose, may permit the alleged violator to amend or supplement his answer."

Section 202 (e) is hereby further amended to read as follows:

"In the event the alleged violator desires to appear and be orally heard upon any of the matters alleged in the citation, he shall set forth in the answer a request for such oral hearing, which hearing shall be held if the President, Acting President, Executive Vice President, or such officer or employee of the Corporation as may be designated for the purpose, shall so determine. In the absence of such a request for oral hearing, no hearing shall be held unless an oral hearing is deemed desirable in the public interest by the President, Acting President, Executive Vice President, or by

such officer or employee of the Corporation as may be designated for the purpose."

Section 204 is hereby further amended to read as follows:

*"Decision upon answer without hearing.* If it is determined that no hearing be held, the President, Acting President, or Executive Vice President may, upon the basis of the answer filed by the alleged violator, issue an order dismissing the proceeding, issue an order denying participation to the alleged violator, or issue such other order as he may determine to be proper under the circumstances and in accordance with the regulations and conditions."

Section 205 is hereby further amended by striking the first sentence and substituting in lieu thereof the following:

*"If it be determined that an oral hearing is to be held, the President, Acting President, Executive Vice President, or such officer or employee of the Corporation as may be designated for the purpose, may appoint a time (which shall not be earlier than 5 days after the date on which the answer is required to be filed) and designate a place for a hearing to be held."*

In testimony whereof, I have hereunto set my hand and caused the official seal of the Federal Surplus Commodities Corporation to be affixed thereto, in the City of Washington, this 18th day of May 1940.

[SEAL]

MILO PERKINS,  
President.

MAY 18, 1940.

[F. R. Doc. 40-2051; Filed, May 21, 1940;  
9:30 a. m.]

**TITLE 10—ARMY: WAR DEPARTMENT**  
**CHAPTER VI—ORGANIZED  
RESERVES**

**PART 62—RESERVE OFFICERS' TRAINING  
CORPS<sup>3</sup>**

*§ 62.20 Discharge and withdrawal of members.* (a) Except in cases involving

<sup>1</sup> 5 F.R. 245.

<sup>2</sup> First amendment appears at 5 F.R. 673.

<sup>3</sup> Section 62.20 is amended.

**CONTENTS**

**RULES, REGULATIONS, ORDERS**

<b>TITLE 7—AGRICULTURE:</b> Federal Surplus Commodities Corporation:	Page
Food order stamp violations, amendment of investigation rules	1833
<b>TITLE 10—ARMY: WAR DEPARTMENT:</b> Reserve Officers' Training Corps, discharge and withdrawal regulations amended	1833
<b>TITLE 14—CIVIL AVIATION:</b> Civil Aeronautics Authority: Air carriers, operation rules revised	1838
Airline transport pilot privileges	1837
Airplane airworthiness, requirements	1834
Flying school rating	1837
<b>TITLE 26—INTERNAL REVENUE:</b> Bureau of Internal Revenue: Capital stock tax regulations amended	1840
<b>TITLE 31—MONEY AND FINANCE:</b> TREASURY: Monetary Offices: Foreign exchange transactions: Banque Belge pour l'Etranger, et al.	1840
Safe deposit boxes leased by Norway, et al., or national thereof	1840
<b>TITLE 45—PUBLIC WELFARE:</b> Civilian Conservation Corps: Enrollment, etc., regulations amended	1841
<b>NOTICES</b>	
Civil Aeronautics Authority: New York World's Fair Grounds and vicinity, air traffic restriction	1844
Department of Agriculture: Agricultural Adjustment Administration: Conservation program supplements, 1940: Belknap and Coos Counties, N. H.	1842
(Continued on next page)	1833



with the requirements listed hereinafter shall be submitted to the Authority.

§ 04.032 *Data required for type certificate.* Data which are adequate to establish compliance of the aircraft with the airworthiness requirements listed herein-after and which are adequate for the reproduction of other airplanes of the same type shall be submitted to the Authority. The procedure for submitting the required data, the technical contents of such data, and the methods of testing aircraft with respect to the prescribed airworthiness requirements shall be in accordance with Civil Aeronautics Authority Manual 04, Airplane Airworthiness.

§ 04.04 *Inspection and tests.* Authorized representatives of the Authority shall have access to the airplane and may witness or conduct such inspections and tests as are deemed necessary by the Authority. Prior to, or at the time of, presentation of the airplane for official flight tests, the applicant for an airworthiness or type certificate shall submit to the Authority a detailed report of pertinent flight tests conducted, and satisfactory proof of conformity of the airplane with the technical data submitted to the Authority.

§ 04.05 *Procedure for type certification.* Acceptable procedures for type certification are outlined in Civil Aeronautics Authority Manual 04.

§ 04.06 *Changes.* Changes to certificated aircraft shall be substantiated to demonstrate continued compliance of the aircraft with the pertinent airworthiness requirements.

§ 04.060 *Minor changes.* Minor changes to airplanes being manufactured under the terms of a type certificate and which obviously do not impair the condition of the airplane for safe operation may be approved by authorized representatives of the Authority prior to submittal to the Authority of any required revised drawings. The approval of such minor changes shall be based on the airworthiness requirements in effect when the particular airplane model was originally certificated, unless, in the opinion of the Authority, compliance with current airworthiness requirements is necessary.

§ 04.061 *Major changes.* Major changes to airplanes being manufactured under the terms of a type certificate may require the issuance of a new type certificate and the Authority may, in its discretion, require such changes to comply with current airworthiness requirements.

§ 04.062 *Changes required by the Authority.* In the case of aircraft models approved under the airworthiness requirements in effect prior to the currently effective regulations, the Authority may require that aircraft submitted for original airworthiness certification comply with such portions of the currently effective regulations as are considered necessary.

3. Section 04.2121 is amended to read as follows:

§ 04.2121 *Gust load factors.* The gust load factors shall be computed on the basis of a gust of the magnitude specified, acting normal to the flight path, and proper allowance shall be made for the effects of aspect ratio on the slope of the lift curve. The gust velocities specified shall be used only in conjunction with the gust formulae specified in Civil Aeronautics Authority Manual 04.2121.

4. Section 04.2133 (d) is amended to read as follows:

§ 04.2133 (d)  $C_M$ =actual value corresponding to  $C_{N_{III}}$ .

5. Section 04.21330 is amended to read as follows:

§ 04.21330 *Condition III, (positive low angle of attack, modified).* If the moment coefficient of the airfoil section at zero lift has a positive value, or a negative value smaller than 0.06, the effects of displaced ailerons on the moment coefficient shall be accounted for in Condition III for that portion of the span incorporating ailerons. To cover this point it will be satisfactory to combine 75 percent of the loads acting in Condition III with the loads due to a moment coefficient of  $-0.08 - C_{M_{III}}$  acting over that portion only of the span incorporating ailerons. The design dynamic pressure for the additional moment forces shall be equal to  $0.75q_0$ . Only the wings and wing bracing need be investigated for this condition.

6. Section 04.2134 (d) is amended to read as follows:

§ 04.2134 (d)  $C_M$ =actual value corresponding to  $C_{N_{IV}}$ .

7. Section 04.2136 (c) is amended to read as follows:

§ 04.2136 (c)  $C_M$ =actual value corresponding to  $C_{N_{VI}}$ .

8. Section 04.2141 (b) is amended to read as follows:

§ 04.2141 (b) The magnitude and distribution of normal, chord and moment forces over the wing shall correspond to that which would be obtained in developing the specified *limit* gust load factor at the specified airspeed.

9. Section 04.2142 (b) is amended to read as follows:

§ 04.2142 (b) The magnitude and distribution of normal, chord and moment forces over the wing shall correspond to that which would be obtained in encountering the specified *limit* gust load factor at the specified airspeed.

10. Section 04.2150 is amended to read as follows:

§ 04.2150 *General.* In the following unsymmetrical flight conditions, the unbalanced rolling moment shall be assumed to be resisted by the angular inertia of the complete airplane. See

Civil Aeronautics Authority Manual 04.2150 for an acceptable alternative procedure.

11. Section 04.2151 is amended to read as follows:

§ 04.2151 *Condition I.* Condition I (§ 04.2131) shall be modified by assuming 100 percent of the air load acting on one wing and 40 percent on the other. For airplanes over 1,000 pounds standard weight the latter factor may be increased linearly with standard weight up to 80 percent at 25,000 pounds.

12. Section 04.2152 is amended to read as follows:

§ 04.2152 *Condition III.* Condition III (§ 04.2133) shall be modified as described for Condition I in § 04.2151.

13. Section 04.2210 is amended to read as follows:

§ 04.2210 *Balancing.* The *limit* load acting on the horizontal tail surface shall not be less than the maximum balancing load obtained from Conditions I, II, III, IV, VII, and VIII. In computing these loads for tail surface design the moments of fuselage and nacelles shall be suitably accounted for. The factors given in Table 04-3 shall be used, with the following provisions:

(a) For Conditions I, II, III, and IV,  $P$  (in Fig. 04-4)=40% of net balancing load. (This means that the load on the fixed surface should be 140% of the net balancing load.) In any case  $P$  need not exceed that corresponding to a *limit* elevator control force of 150 pounds, applied by the pilot.

(b) For Conditions VII and VIII,  $P$  may be assumed equal to zero.

14. Section 04.2211 is amended to read as follows:

§ 04.2211 *Maneuvering (horizontal surfaces).* The factors and distributions specified in Table 04-3 and Fig. 04-5 for this condition shall be used, together with the following provisions:

(a) The *limit* unit loading in either direction need not exceed that corresponding to a 200 pound force on the elevator control (see Table 04-6).

(b) The average *limit* unit loading shall not be less than 15 pounds per square foot (see Table 04-3).

15. Section 04.2213 is amended to read as follows:

§ 04.2213 *Tab effects (horizontal surfaces).* When a tab is installed so that it can be used by the pilot as a trimming or assisting device, a *limit* up load over the tab corresponding to the dynamic pressure at  $V_L$  and the maximum tab deflection shall be assumed to act in conjunction with the *limit* down load specified in § 04.2211, disregarding the provisions of § 04.2211 (a), applied over the remaining area. If the control force necessary to balance the resulting loads on the elevator and tab exceeds 200 pounds (Table 04-6), the loadings over

the areas not covered by the tab may be reduced until the control force is equal to this maximum limit value.

16. Strike §§ 04.254, 04.255, and 04.256 and insert the following in lieu thereof:

§ 04.254 Boat seaplanes.

§ 04.2540 Local bottom pressures.

(a) *Maximum local pressure.* The maximum value of the limit local pressure shall be determined from the following equation:

$$P_{\max} = 0.055 V_s^{1.4} \left(1 + \frac{W}{50,000}\right)^{1/4}, \text{ where}$$

$p$ =pressure, pounds per square inch  
 $V_s$ =stalling speed, flaps down, power on, in miles per hour. (To be calculated on the basis of wind tunnel data or flight tests on previous airplanes.)

$W$ =design weight

The minimum ultimate factor of safety shall be 1.5.

(b) *Variation in local pressure.* The local pressures to be applied to the hull bottom shall vary in accordance with Figure 04-11. No variation from keel to chine (beamwise) shall be assumed, except when the chine flare indicates the advisability of higher pressures of the chine.

(c) *Application of local pressure.* The local pressure determined from § 04.2540 (a) and Figure 04-11 shall be applied over a local area in such a manner as to cause the maximum local loads in the hull bottom structure.

§ 04.2541 *Distributed bottom pressures.* (a) For the purpose of designing frames, keels and chine structure, the limit pressures obtained from § 04.2540 (a) and Figure 04-11 shall be reduced to one-half the "local" values and simultaneously applied over the entire hull bottom. The loads so obtained shall be carried into the side-wall structure of the hull proper, but need not be transmitted in a fore-and-aft direction as shear and bending loads. The minimum ultimate factor of safety shall be 1.5.

(b) *Unsymmetrical loading.* Each floor member or frame shall be designed for a load on one side of the hull centerline equal to the most critical symmetrical loading, combined with a load on the other side of the hull centerline equal to  $\frac{1}{2}$  of the most critical symmetrical loading.

§ 04.2542 *Step loading condition—* (a) *Application of load.* The resultant water load shall be applied vertically in the plane of symmetry so as to pass through the center of gravity of the airplane (in full load condition).

(b) *Acceleration.* The limit acceleration shall be 4.33.

(c) *Hull shear and bending loads.* The hull shear and bending loads shall be computed from the inertia loads produced by the vertical water load. To avoid excessive local shear loads and bending moments near the point of water

load application, the water load may be distributed over the hull bottom, using pressures not less than those specified in § 04.2541 (a). The minimum ultimate factor of safety shall be 1.5.

§ 04.2543 *Bow loading condition—* (a)

*Application of load.* The resultant water load shall be applied in the plane of symmetry at a point one-tenth of the distance from the bow to the step and shall be directed upward and rearward at an angle of 30 degrees from the vertical.

(b) *Magnitude of load.* The magnitude of the limit resultant water load shall be determined from the following equation:

$$P_b = \frac{1}{2} n_s W_e, \text{ where}$$

$P_b$  is the load in pounds,

$n_s$  is the step landing load factor,

$W_e$  is an effective weight which is assumed equal to  $\frac{1}{2}$  the design weight of the airplane.

(c) *Hull shear and bending loads.* The hull shear and bending loads shall be determined by proper consideration of the inertia loads which resist the linear and angular accelerations involved. To avoid excessive local shear loads, the water reaction may be distributed over the hull bottom, using pressures not less than those specified in § 04.2541 (a). The minimum ultimate factor of safety shall be 1.5.

§ 04.2544 *Stern loading condition—* (a)

*Application of load.* The resultant water load shall be applied vertically in the plane of symmetry and shall be distributed over the hull bottom from the second step forward with an intensity equal to the pressures specified in § 04.2541 (a).

(b) *Magnitude of load.* The limit resultant load shall equal three-quarters of the design weight of the airplane.

(c) *Hull shear and bending loads.* The hull shear and bending loads shall be determined by assuming the hull structure to be supported at the wing attachment fittings and neglecting internal inertia loads. This condition need not be applied to the fittings or to the portion of the hull ahead of the rear attachment fittings. The minimum ultimate factor of safety shall be 1.5.

§ 04.2545 *Side loading condition—* (a)

*Application of load.* The resultant water load shall be applied in a vertical plane through the center of gravity. The vertical component shall be assumed to act in the plane of symmetry and the horizontal component at a point half-way between the bottom of the keel and the load water line at design weight (at rest).

(b) *Magnitude of load.* The limit vertical component of acceleration shall be 3.25 and the side component shall be equal to fifteen percent of the vertical component.

(c) *Hull shear and bending loads.* The hull shear and bending loads shall be determined by proper consideration

of the inertia loads or by introducing couples at the wing attachment points. To avoid excessive local shear loads, the water reaction may be distributed over the hull bottom, using pressures not less than those specified in § 04.2541 (a). The minimum ultimate factor of safety shall be 1.5.

§ 04.255 (Unassigned).

§ 04.256 (Unassigned).

17. Section 04.331 is amended to read as follows:

§ 04.331 *Operation test.* An operation test shall be conducted by operating the controls from the pilot's compartment with the entire system so loaded as to correspond to the minimum limit control force specified in item 3 of Table 04-6 for the control system in question. In this test there shall be no jamming, excessive friction, or excessive deflection.

18. Section 04.462 is amended by striking the first two sentences and inserting in lieu thereof the following sentence: "Closed cabins on aircraft carrying more than 5 persons shall be provided with emergency exits, in addition to the one external door required by § 04.461, consisting of movable windows or panels or of additional external doors which provide a clear and unobstructed opening, the minimum dimensions of which shall be such that a 19 inch by 26 inch ellipse may be completely inscribed therein."

19. Section 04.4632, as amended, is amended to read as follows:

§ 04.4632 Means shall be provided by which the operating personnel is suitably informed of all operation information and limitations deemed necessary by the Authority.

20. By striking § 04.504.

21. Section 04.5820 is amended to read as follows:

§ 04.5820 *General.* Electrical equipment shall be installed in accordance with accepted practice and suitably protected from fuel, oil, water and other detrimental substances. Adequate clearance shall be provided between wiring and fuel and oil tanks, fuel and oil lines, carburetors, exhaust piping and moving parts.

22. Section 04.5824 is amended to read as follows:

§ 04.5824 *Anchor lights.* The anchor light specified for seaplanes and amphibians shall be so mounted and installed that, when the airplane is moored or drifting on the water, it will show a white light visible for at least two miles at night under clear atmospheric conditions.

23. By striking the word "test" in § 04.7210.

24. Section 04.723 is amended by striking the sentence, "Means shall be provided by which the pilot is suitably informed of such ceiling and the conditions under which it may be realized."

25. By striking "0.6Δn<sub>1b</sub>" in line 5, column III, of table 04-1 and inserting "Fig. 04-3" in lieu thereof.

26. By striking "2.00" in line 7, column III, of table 04-1 and inserting "2.50" in lieu thereof.

27. By striking the title to Fig. 04-3 and inserting "Fig. 04-3 Maneuvering Load Factor Increment, Conditions I and III", in lieu thereof.

28. By adding Fig. 04-11, "Distribution of Local Pressures—Boat Seaplanes."

By the Authority.

[SEAL]

PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 40-2056; Filed, May 21, 1940;  
11:16 a.m.]

[Amendment 49, Civil Air Regulations]

#### AIRLINE TRANSPORT PILOT PRIVILEGES

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 15th day of May 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a), and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective May 15, 1940, Part 21, as amended, of the Civil Air Regulations is amended as follows:

1. Section 21.350 is amended to read as follows:

§ 21.350 The holder of a valid airline transport pilot certificate may pilot an airplane as a second pilot without a weight and engine classification for the particular airplane operated.

2. Section 21.351 is amended to read as follows:

§ 21.351 The holder of a valid airline transport pilot certificate may pilot airplanes of a weight or engine classification, or of an airplane classification other than that specified in his airline transport pilot certificate, but shall not carry any person in such airplanes other than members of the crew thereof, certificated airmen carried in air carrier airplanes in furtherance of their official duties, or certificated instructors rated for the airplane operated.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 40-2058; Filed, May 21, 1940;  
11:16 a.m.]

[Amendment 50, Civil Air Regulations]

#### CREATING A NEW METHOD FOR RATING FLYING SCHOOLS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 17th day of May 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective August 1, 1940, Part 50, as amended, of the Civil Air Regulations is stricken and the following new Part 50 is inserted in lieu thereof:

#### PART 50—FLYING SCHOOL RATING

Sec.

- 50.1 Flying school ratings.
- 50.2 Primary flying school rating and certificate requirements.
- 50.3 Advanced flying school rating and certificate requirements.
- 50.4 Flying school certificate.
- 50.5 Certificated flying school regulations.

§ 50.1 *Flying school ratings* are as follows:

- (a) Primary flying school rating.
- (b) Advanced flying school rating.

§ 50.2 *Primary flying school rating and certificate requirements* are as follows:

§ 50.20 *Private pilot flight curriculum* shall be satisfactory to the Authority and shall consist of not less than 35 hours of flying time.<sup>1</sup>

§ 50.21 *Flying instructors* shall possess a flight instructor rating.

§ 50.22 *Facilities and equipment* shall be as follows:

(a) Suitable classrooms, adequate to accommodate the largest number of students scheduled for attendance at any one time. Such classrooms shall be properly heated, lighted and ventilated.

(b) Suitable hangar space, sufficient to house adequately all aircraft used for the purpose of flight instruction.

(c) Suitable shop facilities, equipment and personnel sufficient to maintain aircraft used for flight instruction in condition for safe operation.

(d) Suitable landing area available for use in giving flight instruction.

(e) Suitable aircraft for ground and flight instruction necessary to give each student instruction sufficient to qualify him for a private pilot certificate.

§ 50.23 *Private pilot ground instruction curriculum* shall be satisfactory to the Authority and shall include not less than 30 hours' instruction in aerial navigation, meteorology, elementary servicing of aircraft, and the contents of the applicable Civil Air Regulations.

§ 50.24 *Ground instructors* in any subject required by the Civil Air Regulations shall possess an appropriate ground instructor certificate. Ground schools, conducted by established institutions of higher learning for the primary benefit of members of their

student bodies, need not meet this requirement with respect to all or any part of its ground school staff if approval is obtained from the Authority.

§ 50.3 *Advanced flying school rating and certificate requirements* are those for a primary flying school rating and the following additional requirements:

§ 50.30 *Commercial pilot flight curriculum* shall be satisfactory to the Authority and shall consist of not less than 175 hours of flying time.

§ 50.31 *Facilities and equipment* shall be the following:

(a) Suitable equipment specifically set aside for ground school instruction.

(b) Suitable aircraft to give each student flight instruction sufficient to qualify him for a commercial pilot certificate.

§ 50.32 *Commercial pilot ground instruction curriculum* shall be satisfactory to the Authority and shall include not less than 105 hours' instruction in the internal combustion, carburetion, cooling, and lubrication systems of aircraft engines and the construction, inspection, maintenance and repair of aircraft engines; history of aviation; theory of flight; nomenclature; aerodynamics; the design, construction, rigging, inspection, maintenance and repair of aircraft; meteorology; aerial navigation; aircraft instruments; parachutes; general servicing of aircraft; and the contents of the applicable Civil Air Regulations.

§ 50.4 *Flying school certificate*.

§ 50.40 *Application* for a flying school rating and certificate shall be made upon the form prescribed and furnished by the Authority, and shall be accompanied by two copies of any proposed curriculum.

§ 50.41 *Display* of a flying school certificate shall be made upon the reasonable request of any person.

§ 50.42 *Duration*. A flying school certificate shall be of 60 days' duration and, unless the holder thereof is otherwise notified by the Authority within such period, shall continue in effect indefinitely thereafter, unless suspended or revoked by the Authority.

§ 50.43 *Transfer* of a flying school certificate is prohibited.

§ 50.44 *Surrender*. Upon the suspension, revocation, or expiration of a flying school certificate, the holder thereof shall surrender such certificate to any representative of the Authority requesting it.

§ 50.5 *Certificated flying school regulations* are as follows:

§ 50.50 *Quality of instruction* shall be such that 90 percent of the students who apply within 30 days after graduation qualify for pilot certificates corresponding to the curriculum from which they were graduated. This percentage shall be computed on January 1 and July 1 of each year.<sup>2</sup>

<sup>1</sup> A satisfactory curriculum is outlined in Civil Aeronautics Authority Manual No. 50.

<sup>2</sup> The benefits provided for in the pertinent provisions of Part 20 for graduates of certificated flying schools only accrue to those graduates who apply for a pilot certificate within 30 days after graduation.

§ 50.51 *Certificated aircraft.* All aircraft used for flight instruction shall be appropriately certificated.<sup>3</sup>

§ 50.52 *Student examinations.* Upon the completion of each subject included in an approved curriculum, each student taking the subject shall be given an appropriate examination. The student's written examination, or, in the case of a practical examination, a report thereof, shall be kept by the school for not less than one year from the date of the termination of the student's enrollment.

§ 50.53 *Records.* The school shall keep an accurate individual record of each student which shall include a chronological log of all instruction, attendance, subjects covered, examinations and examination grades. The entire record shall be certified by an authorized official of the school.

§ 50.54 *Reports.* Full and accurate reports shall be submitted to the Authority on its prescribed form on the first day of January and July of each year and at such other times as the Authority may require.

§ 50.55 *Graduation certificate* on the form prescribed by the Authority shall be given each student graduated from a certificated flying school.

§ 50.56 *Inspection.* Upon reasonable request, an applicant for a flying school certificate or the holder of such a certificate shall permit any authorized representative of the Authority to inspect its personnel, facilities, equipment, and records.

§ 50.57 *Advertising.* No certificated flying school shall make any statement pertaining to the school which is false or is designed to mislead any person contemplating enrollment in the school, and any advertising which indicates that the school is approved by the Authority shall clearly differentiate between those courses which have been approved by the Authority and those which have not.

§ 50.58 *Curriculum changes* shall not be made without the approval of the Authority, except that, if a school has not been notified to the contrary within 45 days after the submission of proposed changes to the Authority, they will be considered approved.

§ 50.59 *Maintenance of facilities, equipment and material.* A certificated flying school shall maintain personnel, facilities, and equipment at least equal in quality and quantity to those required for the issuance of such a certificate.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 40-2059; Filed, May 21, 1940;  
11:17 a. m.]

<sup>3</sup>See Parts 01 and 04 of the Civil Air Regulations.

[Amendment 51, Civil Air Regulations]

REVISING THE QUALIFICATIONS FOR, AND  
THE RULES GOVERNING THE OPERATION  
OF, AIR CARRIERS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 17th day of May 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective June 1, 1940, the Civil Air Regulations are amended as follows:

1. By amending § 40.201 to read as follows:

§ 40.201 *Airports.* Applicant shall show that the airports to be used as terminals and scheduled intermediate stops are deemed adequate by the Authority for safe air carrier operation of the type proposed.

2. By amending § 40.2611 (b) to read as follows:

§ 40.2611 (b) Each first pilot within the 6 months immediately preceding his qualification for the route, shall have made one one-way trip without passengers over the proposed route or a part thereof on which he will pilot aircraft for applicant and shall have landed at least once at each terminal, scheduled intermediate stop and intermediate field. If landings cannot be effected at each intermediate field, the pilot shall make a ground examination, or where impracticable by reason of field conditions, a visual examination from the air at a safe low altitude, of each such field on which no landing is made. The pilot shall render a written inspection report on each such field to the air carrier and, in the case of a visual examination, accompany such report with a sketch of the field setting forth its conditions, obstructions, and surrounding terrain. Such reports and sketches shall be preserved for at least one year and shall be presented to an inspector of the Authority upon request. The requirements prescribed in this section may be met by two or more first pilots flying together, provided each complies with such requirements.

3. By amending § 40.2615 (f) to read as follows:

§ 40.2615 (f) Each first pilot shall be familiar with the aircraft, and shall demonstrate to an authorized air carrier inspector of the Authority, or to a check pilot of the air carrier duly authorized by the Authority, satisfactory capability to maneuver such aircraft with the maximum authorized load for the route or part thereof; and, in addition, if the aircraft is multi-engined, he shall demonstrate his ability to maneuver such aircraft with said load with any one engine fully throttled either:

(1) at an altitude equivalent to 500 feet above the highest part of the terrain on the proposed route or part thereof to be flown by the pilot in air carrier service, or  
(2) at the one engine inoperative service ceiling.

4. By amending § 40.271 to read as follows:

§ 40.271 *First pilots.* Same as in § 40.261, except that at least one one-way trip of those trips required by § 40.2612 (c) shall have been made during the period between one hour after sunset and one hour before sunrise.

5. By amending § 40.2810 (a) to read as follows:

§ 40.2810 (a) Familiarity with the aircraft, including demonstration of ability to maneuver such aircraft with the maximum authorized load for the route or part thereof, with any one engine fully throttled, either:

(1) at an altitude equivalent to 1,000 feet above the highest part of the terrain on the proposed instrument course of the route, or part thereof, to be flown by the pilot in air carrier service, or  
(2) at the one engine inoperative service ceiling.

6. By amending § 40.2811 (b) to read as follows:

§ 40.2811 (b) Familiarity with the route and with instruments, including demonstration of ability, under actual or simulated conditions, to fly such route solely by instruments.

7. By amending § 40.291 to read as follows:

§ 40.291 *Air carrier operation skill.* Applicant shall demonstrate to the satisfaction of the Authority ability to conduct a safe operation over the entire route to be flown in air transportation. Such demonstration shall be, by means of actual flights over each proposed route employing such of the proposed aircraft, airmen, and operating and maintenance procedures and techniques as the Authority may deem necessary.

8. By amending § 40.3611 (b) to read as follows:

§ 40.3611 (b) Same as § 40.2611 (b).

9. By amending § 40.3810 (a) to read as follows:

§ 40.3810 (a) Familiarity with the aircraft, including demonstration of ability to maneuver such aircraft with the maximum authorized load for the route or part thereof; and, in addition, if the aircraft is multi-engined, a dem-

onstration of ability to maneuver such aircraft with said load, with any one engine fully throttled either:

(1) at an altitude equivalent to 1,000 feet above the highest part of the terrain on the proposed instrument course of the route or part thereof to be flown by the pilot in air carrier service, or

(2) at the one engine inoperative service ceiling.

10. By amending § 40.3811 (b) to read as follows:

§ 40.3811 (b) Familiarity with the route and with instruments, including demonstration of ability, under actual or simulated conditions, to fly such route solely by instruments.

11. By amending § 61.551 to read as follows:

§ 61.551 *Location.* One or more aircraft dispatchers shall be located at such points as may be deemed necessary by the Authority to insure the safe operation of the air carrier.

12. By amending § 61.7103 to read as follows:

§ 61.7103 *Clearance and preparation.* A clearance form shall be properly prepared for each flight between specified clearance points. Such form shall be signed by the first pilot and by the authorized aircraft dispatcher or, by duly authorized station personnel of the air carrier after receiving current authority from the authorized aircraft dispatcher, only when the first pilot and the dispatcher both believe the flight may be made with safety. A load manifest form shall be properly prepared and signed for each flight by the personnel of the air carrier who are charged with the duty of supervising the loading of the aircraft and the preparation of the load manifest forms. The aircraft when loaded as shown on the load manifest form shall not exceed the center of gravity limits or maximum allowable weight limits set forth in the aircraft certificate for the particular aircraft. The original copies of both forms shall be given to the first pilot and duplicate copies shall be kept in the station file for a period of at least 30 days.

13. By amending § 61.71082 (c) to read as follows:

§ 61.71082 (c) During night operation at least one beacon on the course shall be visible from the aircraft at all times, unless otherwise specifically authorized by the Authority.

14. By striking § 61.7114 and inserting in lieu thereof the following new section:

§ 61.7114 *Flight equipment.* An air carrier shall not dispatch an aircraft in air transportation unless the equipment required by the Civil Air Regulations for the particular type of operation involved, is installed in such aircraft and in serviceable condition and, if any part of such equipment becomes unserviceable in

flight, a landing shall be made either at the nearest suitable landing area where a safe landing may be made or, at the next point of intended landing, whichever in the opinion of the pilot and dispatcher is the safest procedure: *Provided,* That the aircraft dispatcher in control of the flight may dispatch or authorize the operation of such aircraft in air transportation to the nearest point where repair or replacement of such equipment can be made if the equipment specified below for the particular type of operation involved is installed in such aircraft and in serviceable condition:

(a) *Visual-contact day operation.* 1. One airspeed indicator.

2. One altimeter.

3. One tachometer for each engine.

4. One oil pressure gauge for each engine.

5. One oil temperature gauge for each engine.

6. One manifold pressure gauge for each engine.

7. One safety belt for each person aboard.

8. Two approved type portable fire extinguishers.

9. One landing gear position indicator or equivalent facility.

10. One first aid kit.

11. One magnetic compass.

12. One fixed fire extinguisher in each engine compartment.

13. One or more storage batteries of sufficient capacity to operate all radio and electrical equipment.

14. Two of the following units of radio equipment:

One transmitter for two-way communication;

One receiver for two-way communication;

One radio range receiver.

15. If such aircraft is a multi-engine aircraft it may be operated with any one of the units of equipment in items 3, 5 or 6 above inoperative; *Provided,* That in the case of Item 5 a cylinder temperature gauge in serviceable condition is installed on the same engine the inoperative oil temperature gauge is installed.

(b) *Visual-contact night operation.*

1. All equipment required for visual-contact day operation.

2. Forward position and tail lights.

3. Two landing lights.

4. Two three minute landing flares.

5. One set of instrument lights.

6. One electrical generator sufficient to operate all electrical and radio equipment.

(c) *Instrument or over-the-top day operation.* 1. All equipment required for visual-contact day operation.

2. A fuel quantity indicator to show the amount of fuel in each of at least two fuel tanks.

3. One additional airspeed indicator.

4. An electrically heated pitot tube for each airspeed indicator.

5. One rate of climb indicator.

6. One gyroscopic rate of turn indicator combined with a bank indicator.

7. One artificial horizon indicator.

8. One directional gyrocompass.

9. Two sensitive type altimeters.

10. One outside air temperature gauge with indicating dial in cockpit.

11. One clock with sweep second hand.

12. One vacuum gauge installed in lines leading to the rate of turn and artificial horizon indicators and the directional gyrocompass.

13. One carburetor ice indicator if the deicing equipment requires manual manipulation.

14. All of the radio equipment required by the Civil Air Regulations for instrument type of operation.

15. One spare set of fuses.

(d) *Instrument or over-the-top night operation.* 1. All equipment required for visual-contact night and instrument or over-the-top day operation.

15. By striking §§ 61.7113, 61.7700 and 61.7701 and inserting in lieu thereof the following new section:

§ 61.7700 *Icing conditions.* No air carrier or employee thereof shall dispatch or operate an aircraft in air transportation into any known or probable icing conditions unless the aircraft is equipped with approved propeller and wing deicing equipment adequate to assure the safety of the flight under the particular conditions to be encountered. When an icing condition is encountered in flight the pilot shall, if possible, immediately notify his company radio ground station of such fact and the company shall immediately relay such information to the nearest office of the United States Weather Bureau in accordance with § 61.733.

16. By amending § 61.7802 to read as follows:

§ 61.7802 *Manipulation of controls.* No person, other than a first or second pilot, shall manipulate the controls of an air carrier aircraft while in scheduled flight: *Provided,* That at the discretion of the first pilot such restriction shall not apply to authorized inspectors of the Authority or to properly qualified company personnel or to properly qualified personnel of other air carriers.

17. By amending § 61.7803 to read as follows:

§ 61.7803 *Pilot's compartment.* The door or doors between the pilots' compartment and the passenger compartment shall be kept closed when the aircraft is in flight. No person shall be admitted to such pilots' compartment while the aircraft is in scheduled flight except, at the discretion of the first pilot, an employee authorized by the operator, any of the personnel of the Authority or other technical personnel authorized by the Authority, or, for the purpose of route or equipment qualification and familiarization, an airman of another air carrier

authorized by both air carriers for such purpose.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 40-2060; Filed, May 21, 1940;  
11:17 a. m.]

**TITLE 26—INTERNAL REVENUE**  
**CHAPTER I—BUREAU OF INTERNAL REVENUE**  
[T. D. 4971]

**CAPITAL STOCK TAX**

ARTICLE 24 OF REGULATIONS 64 (1933), ARTICLES 41 (D) AND 42 (A) OF REGULATIONS 64 (1934), AND ARTICLES 21 (1) AND 44 (A) OF REGULATIONS 64 (1936), AS AMENDED, AMENDED

To Collectors of Internal Revenue and Others Concerned:

In order to make them conform to the decision of the United States Supreme Court in the case of *Haggar Company v. Helvering*, 308 U. S. 389 (January 2, 1940), Regulations 64 (Capital Stock Tax, approved August 15, 1933, Regulations 64 (Capital Stock Tax), approved August 27, 1934, and Regulations 64 (Capital Stock Tax), approved May 6, 1936, as amended by Treasury Decision 4667,<sup>1</sup> approved July 18, 1936, are amended as follows:

1. The last sentence of the first paragraph of article 24 of Regulations 64<sup>2</sup> (Capital Stock Tax), approved August 15, 1933, is amended to read as follows:

"This value once having been declared may not be changed either by the corporation or by the Commissioner after the expiration of the statutory period (or any extension thereof) within which the return is required to be filed."

2. Article 41 (d) of Regulations 64 (Capital Stock Tax), approved August 27, 1934, is amended to read as follows:

"(d) *First return* means the capital stock tax return filed by a corporation for its first taxable year."

3. The second sentence of article 42 (a) of Regulations 64 (Capital Stock Tax), approved August 27, 1934, is amended to read as follows:

"Extreme care should be exercised by the corporation in making this original declared value, for the reason that when the value has been declared such value cannot be changed, amended, or corrected, either by the corporation or by the Commissioner after the expiration of the statutory period (or any extension thereof) within which the return is required to be filed."

4. Article 21 (1) of Regulations 64 (Capital Stock Tax), approved May 6, 1936, is amended to read as follows:

"(1) The term 'first return' means the capital stock tax return filed by a corporation for its first taxable year under section 105."

5. Article 44 (a) of Regulations 64 (Capital Stock Tax), approved May 6, 1936, as amended by Treasury Decision 4667, approved July 18, 1936, is amended to read as follows:

"(a) In its first return a corporation must declare a definite and unqualified value for its capital stock. Extreme care should be exercised in making this original declared value, for the reason that if a return has been filed disclosing a declared value, such value cannot be changed, amended, or corrected, either by the corporation or by the Commissioner after the expiration of the statutory period (or any extension thereof) within which the return is required to be filed. The importance of the original declared value may be seen from the fact that such original declared value forms the basis for the computation of the tax on capital stock in years subsequent to the first taxable year, and constitutes a prime factor in determining the amount of tax imposed on excess profits under section 106 of the Revenue Act of 1935."

This Treasury decision is prescribed pursuant to section 215 of the National Industrial Recovery Act, section 701 of the Revenue Act of 1934, and section 105 of the Revenue Act of 1935.

GUY T. HELVERING,  
Commissioner of Internal Revenue.  
Approved, May 17, 1940.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 40-2049; Filed, May 20, 1940;  
3:40 p. m.]

**TITLE 31—MONEY AND FINANCE:  
TREASURY**

**CHAPTER I—MONETARY OFFICES**

PART 140—AMENDMENT TO GENERAL LICENSE NO. 10, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

General License No. 10<sup>1</sup> is hereby amended to read as follows:

"A general license is hereby granted authorizing banking institutions within the United States to make all payments, transfers and withdrawals from accounts in the name of the Banque Belge pour l'Etranger, Overseas, Ltd., including its New York agency, the Banque Belge pour l'Etranger in Paris, including its Maisseilles agency, the Banque Belge et Internationale en Egypte, the branches and agencies of the Banque Italo-Belge in London, Paris, Le Havre, Buenos Aires, Montevideo, Rio de Janeiro, Sao Paulo, Santos and Campinas, the branches of

the Banque Belge pour l'Etranger-Extreme Orient in Shanghai, Tientsin, Hongkong and Hankow, and the office in Bordeaux and the branches in London and the Belgian Congo of the Banque du Congo Belge.

"Banking institutions within the United States making such payments, transfers, or withdrawals shall file promptly with the appropriate Federal Reserve bank weekly reports showing the details of the transactions during such period."<sup>2</sup>

[SEAL] D. W. BELL,  
Acting Secretary of the Treasury.

MAY 20, 1940.

[F. R. Doc. 40-2063; Filed, May 21, 1940;  
11:45 a. m.]

**PART 142—GENERAL LICENSE NO. 12 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.**

A general license is hereby granted authorizing access to safe deposit boxes leased by Norway, Denmark, the Netherlands, Belgium or Luxembourg or a national thereof within the meaning of the Executive Order of April 10, 1940, as amended, and the Regulations issued thereunder, or containing property in which any of the foregoing has an interest of any nature whatsoever, direct or indirect, and the deposit therein or removal therefrom of any property, but in each case only on the following terms and conditions:

(1) Such access shall be permitted only in the presence of an authorized representative of the lessor of such box;

(2) In the event that any money or evidences of indebtedness or evidences of ownership of property are to be removed from such box, such access shall be permitted only in the presence of an authorized representative of a banking institution within the United States, which may be the lessor of such box, which receives into its custody immediately upon removal from such box the money or evidences of indebtedness or evidences of ownership of property removed from such box and which holds the same subject to the Executive Order of April 10, 1940, as amended, and the Regulations issued thereunder, for the account of the lessee of such box and subject to the property interests therein as of April 8, 1940, of Norway or Denmark or any national thereof, or subject to the property interests therein as of May 10, 1940, of the Netherlands, Belgium or Luxembourg or any national thereof;

(3) In the event that any money or evidences of indebtedness or evidences of

<sup>1</sup> 5 F.R. 1763.

<sup>2</sup> Part 140; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; Regulations, April 10, 1940, as amended, May 10, 1940.

ownership of property are removed from such box the banking institution which receives into its custody any money or evidences of indebtedness or evidences of ownership of property removed from such box shall file promptly with the appropriate Federal Reserve bank a report showing the details of the transactions; and

(4) The lessee of such box or other person granted access to such box shall furnish to the lessor of such box a certificate in triplicate, one copy of which shall be executed under oath, that he has filed or will promptly file a report on Form TFR-100 with respect to such box and the contents thereof; and the lessor of such box shall deliver the sworn copy of such certificate, and one conformed copy thereof, to the appropriate Federal Reserve bank.\*

[SEAL] D. W. BELL,  
Acting Secretary of the Treasury.  
MAY 20, 1940.

[F. R. Doc. 40-2064; Filed, May 21, 1940;  
11:45 a. m.]

**TITLE 45—PUBLIC WELFARE**  
**CHAPTER II—CIVILIAN CONSERVATION CORPS**

**PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES<sup>1</sup>**

**§ 203.17 Disposition of clothing and equipment.** Upon being discharged, enrollees will be permitted to retain in their possession articles of serviceable clothing as indicated in (a) and (b) below. All insignia (cap, field, shoulder sleeve, and rating) will be removed from such garments. Enrollees about to be discharged should not be issued new clothing, but should retain clothing that has been in their possession during preceding enrollment period, unless that clothing presents a decidedly worn or unsatisfactory appearance. In such event renovated clothing should be issued when possible.

(a) Upon discharge in fall, winter, and spring months—

- 1 bag, barrack.
- 1 belt, waist, web.
- 1 cap, field or winter.
- 1 coat, woolen (if available).
- 1 necktie, black.
- 1 overcoat or mackinaw.
- 1 shirt, flannel.
- 1 shoes, service, pair.
- 1 trousers, wool, pair.

\*Part 142; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; Regulations, April 10, 1940, as amended May 10, 1940.

<sup>1</sup>Section 203.17 (4 F.R. 4089) is amended.

All socks, cotton and lightweight wool, underwear, and toilet articles already in their possession.

(b) Upon discharge in summer months—

- 1 bag, barrack.
- 1 belt, waist, web.
- 1 cap, field.
- 1 coat, or substitute therefor when necessary for immediate wear due to climatic conditions.
- 1 necktie, black.
- 1 shirt, cotton.
- 1 shoes, service, pair.
- 1 trousers, cotton or wool, pair.

All socks, cotton and lightweight wool, summer underwear, and toilet articles already in their possession. (50 Stat. 319) [C.C.C. Regs., W.D., Dec. 1, 1937, as amended by C 48, May 15, 1940]

[SEAL] E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 40-2048; Filed, May 20, 1940;  
2:06 p. m.]

**Notices**

**DEPARTMENT OF THE INTERIOR.**

**Bituminous Coal Division.**

[Order No. 294]

**AN ORDER DIRECTING CODE MEMBERS AND REGISTERED DISTRIBUTORS TO FILE WITH THE STATISTICAL BUREAUS DESIGNATED BY THE DIVISION COPIES OF DUMPING SHEETS, CARGO MANIFESTS, AND ARMY ENGINEERS' FORM D-14**

The Director being of the opinion that, in order to carry out the provisions of the Bituminous Coal Act of 1937, it is necessary that the information hereinafter described be filed with the Division;

Therefore pursuant to section 4, II (a) of the Act, the Rules and Regulations for Registration of Distributors, and other authority granted by law,

*It is ordered*, That all code members or their sales agents and registered distributors shall file, upon receipt on and after June 1, 1940, copies of dumping sheets for all tidewater shipments of coal (including vessel or bunker fuel), copies of cargo manifests for all lake shipments of coal (including vessel or bunker fuel), and copies of Army Engineers' Form D-14 for river shipments of coal. One copy of each instrument shall be filed with the Statistical Bureau of the Division for each district in which coal shown thereon is produced.

Dated, May 20, 1940.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 40-2053; Filed, May 21, 1940;  
11:08 a. m.]

**DEPARTMENT OF AGRICULTURE.**

Agricultural Adjustment Administration.

[NER-400-A-1]

**THE AGRICULTURAL CONSERVATION PHASE OF THE 1940 UNIFIED PROGRAM FOR CHITTENDEN COUNTY, VERMONT**

**SUPPLEMENT NO. 1**

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Conservation Phase of the 1940 Unified Program for Chittenden County, Vermont, as approved March 9, 1940,<sup>1</sup> is hereby amended as follows:

I. Section VIII, "Materials Furnished as Grants of Aid," is amended to read as follows:

"Whenever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

"Wherever such material is furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest,

any remaining deficit to be paid by the producer to the Secretary, provided that deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of section XI.

"Notwithstanding any other provisions herein, in areas designated by the Agricultural Adjustment Administration, for any farm on which no performance is rendered under the 1940 program, except the carrying-out of practices through the use of materials furnished by the Agricultural Adjustment Administration, the furnishing of such materials shall be in lieu of any payment which otherwise might be computed for the farm."

II. Section IX, "General Provisions Relating to Payments," is amended by adding subsection F as follows:

"F. *Deductions in case of erroneous notice of acreage allotment.* Notwithstanding the deduction provisions of section II, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Done at Washington, D. C., this 21st day of May, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 40-2065; Filed, May 21, 1940;  
11:51 a. m.]

[NER-400-B-1]

THE AGRICULTURAL CONSERVATION PHASE OF THE 1940 UNIFIED PROGRAM FOR BELKNAP AND COOS COUNTIES, NEW HAMPSHIRE

SUPPLEMENT NO. 1

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Do-

mestic Allotment Act, as amended, the Agricultural Conservation Phase of the 1940 Unified Program for Belknap and Coos Counties, New Hampshire, as approved March 22, 1940,<sup>1</sup> is hereby amended as follows:

I. Section VIII, "Materials Furnished as Grants of Aid," is amended to read as follows:

"Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm."

"Wherever such material is furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State

committee, subject to the right of appeal under the provisions of section XI.

"Notwithstanding any other provisions herein, in areas designated by the Agricultural Adjustment Administration, for any farm on which no performance is rendered under the 1940 program, except the carrying-out of practices through the use of materials furnished by the Agricultural Adjustment Administration, the furnishing of such materials shall be in lieu of any payment which otherwise might be computed for the farm."

II. Section IX, "General Provisions Relating to Payments," is amended by adding subsection F as follows:

"F. *Deductions in case of erroneous notice of acreage allotment.* Notwithstanding the deduction provisions of section I, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Done at Washington, D. C., this 21st day of May 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 40-2066; Filed, May 21, 1940;  
11:51 a. m.]

[NER-400-C-1]

THE AGRICULTURAL CONSERVATION PHASE OF THE 1940 UNIFIED PROGRAM FOR NEW LONDON AND WINDHAM COUNTIES, CONNECTICUT

SUPPLEMENT NO. 1

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Conservation Phase of the 1940 Unified Program for New London and Windham Counties, Connecticut, as approved March 22, 1940,<sup>1</sup> is hereby amended as follows:

I. Section VIII, "Materials Furnished as Grants of Aid," is amended to read as follows:

"Wherever it is found practicable, limestone, superphosphate, trees, seeds, and

other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

"Wherever such material is furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of section XI.

"Notwithstanding any other provisions herein, in areas designated by the Agricultural Adjustment Administration, for any farm on which no performance is rendered under the 1940 program, except the carrying-out of practices through the use of materials furnished by the Agricultural Adjustment Administration, the furnishing of such materials shall be in lieu of any payment which otherwise might be computed for the farm."

II. Section IX, "General Provisions Relating to Payments," is amended by adding subsection F as follows:

"F. *Deductions in case of erroneous notice of acreage allotment.* Notwithstanding the deduction provisions of section I, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Done at Washington, D. C., this 21st day of May 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 40-2067; Filed, May 21, 1940;  
11:51 a. m.]

[NER-400-D-1]

THE AGRICULTURAL CONSERVATION PHASE OF  
THE 1940 UNIFIED PROGRAM FOR YORK  
COUNTY, MAINE

SUPPLEMENT NO. 1

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Conservation Phase of the 1940 Unified Program for York County, Maine, as approved March 22, 1940,<sup>1</sup> is hereby amended as follows:

I. Section VIII, "Materials Furnished as Grants of Aid," is amended to read as follows:

"Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

"Wherever such material is furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to

the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of section XI.

"Notwithstanding any other provisions herein, in areas designated by the Agricultural Adjustment Administration, for any farm on which no performance is rendered under the 1940 program, except the carrying-out of practices through the use of materials furnished by the Agricultural Adjustment Administration, the furnishing of such materials shall be in lieu of any payment which otherwise might be computed for the farm."

Section IX, "General Provisions Relating to Payment," is amended by adding subsection F as follows:

"F. *Deductions in case of erroneous notice of acreage allotment.* Notwithstanding the deduction provisions of section I, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the de-

duction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Done at Washington, D. C., this 21st day of May 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 40-2068; Filed, May 21, 1940;  
11:52 a. m.]

[NER-400-E-1]

1940 AGRICULTURAL CONSERVATION PROGRAM FOR NASSAU AND SUFFOLK COUNTIES, NEW YORK

SUPPLEMENT NO. 1

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Agricultural Conservation Program for Nassau and Suffolk Counties, New York, as approved April 12, 1940,<sup>1</sup> is hereby amended by adding to section VIII, "General Provisions Relating to Payments," subsection F as follows:

"F. Deductions in case of erroneous notice of acreage allotment. Notwithstanding the deduction provisions of section I, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Done at Washington, D. C., this 21st day of May 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 40-2069; Filed, May 21, 1940;  
11:52 a. m.]

Federal Surplus Commodities Corporation.

DESIGNATION OF AREAS UNDER SURPLUS FOOD PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the

United States of America, the following areas are hereby designated as areas in which food order stamps may be used:

The area within the county limits of Madison County, Nebraska.

The area within the county limits of Nance County, Nebraska.

The area within the county limits of Wayne County, Nebraska.

The area within the county limits of Platte County, Nebraska.

The area within the county limits of Pierce County, Nebraska.

The area within the county limits of Stanton County, Nebraska.

The area within the county limits of Knox County, Nebraska.

The area within the county limits of Boone County, Nebraska.

The area within the county limits of Davidson County, Tennessee.

The area within the county limits of McLennan County, Texas.

The area within the county limits of Washoe County, Nevada.

The area within the county limits of Churchill County, Nevada.

The area within the county limits of Lander County, Nevada.

The area within the county limits of Eureka County, Nevada.

The area within the county limits of White Pine County, Nevada.

The effective dates for the abovementioned areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

[SEAL] PHILIP F. MAGUIRE,  
Executive Vice President.

MAY 18, 1940.

[F. R. Doc. 40-2050; Filed, May 21, 1940;  
9:30 a. m.]

CIVIL AERONAUTICS AUTHORITY.

RESTRICTION OF AIR TRAFFIC OVER THE NEW YORK WORLD'S FAIR GROUNDS AND VICINITY

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 15th day of May 1940.

It appearing that: (a) The New York World's Fair, located at Flushing, Long Island, New York, was reopened to the public on May 11, 1940, as the New York World's Fair of 1940, Inc.;

(b) The public interest in the Fair will attract a great number of visitors to the Fair Grounds and cause numerous aircraft to engage in sightseeing flights in the vicinity of the Fair;

The Authority finds that: It is necessary, in order to promote safety in air commerce and to protect adequately persons and property on said Fair Grounds and the area adjacent thereto, to prohibit the flight of aircraft over the Fair Grounds and, further, to require aircraft operating within 3 miles of the boundaries of said Fair Grounds

to be flown at a minimum altitude of 2,000 feet and in a counter-clockwise circle around the boundaries of the Fair Grounds except when taking off from or landing upon an established landing area.

Now, therefore, the Civil Aeronautics Authority, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 203 (a) and 601 (a) of said Act, makes and promulgates the following regulation:

RESTRICTION OF AIR TRAFFIC OVER THE NEW YORK WORLD'S FAIR GROUNDS AND VICINITY

Effective May 15, 1940:

1. No aircraft shall be flown at any altitude within the boundaries of the site of the New York World's Fair, located at Flushing, Long Island, New York.

2. Exclusive of taking off from or landing upon an established landing area, aircraft operated within 3 miles of the nearest boundary of said Fair Grounds shall be flown at an altitude of not less than 2,000 feet above the ground or water and in a counter-clockwise circle around and outside of the boundaries of the Fair Grounds.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 40-2057; Filed, May 21, 1940;  
11:16 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC-36]

RECORDS OF PASSENGER BROKERS

On May 17, 1940, Division 1 of the Interstate Commerce Commission instituted an investigation into the matter of rules and regulations governing the maintenance, preservation, and reporting of records of passenger brokers subject to section 211 of the Motor Carrier Act, 1935.

The attached draft of proposed rules has been prepared as a basis for discussion of rules on that subject which may be adopted by the Commission and it is suggested that all interested parties direct their efforts principally toward preparing evidence which will bear specifically on the reasonableness or unreasonableness of these proposed rules.

May 19, 1940.

[SEAL] W. P. BARTEL,  
Secretary.

Proposed Rules for Passenger Brokers Subject to the Motor Carrier Act, 1935

1. Every passenger broker subject to the Motor Carrier Act, 1935 shall maintain and keep an exact record of all transactions in which he has participated as such broker, which record shall show:

(a) The name, address and destination of each person to whom he sells

<sup>1</sup>5 F.R. 1416.  
<sup>2</sup>4 F.R. 1683.

or for whom he provides, procures, contracts or arranges transportation subject to the Act, and the date of each such transaction.

(b) The amount paid to him by each person to whom he sells or for whom he provides, procures, contracts or arranges for transportation subject to the Act.

(c) If payment is made to the broker by any motor carrier or by any driver, agent, servant or employee of any motor carrier or by any person other than the person to whom such transportation is sold or for whom such transportation is arranged, provided or procured, the record shall show the name, address and representative capacity of the person making such payment.

(d) The name and address of the motor carrier performing the transportation.

(e) The name and address of the driver of the motor vehicle used for the transportation.

(f) The state motor vehicle license number and other identification plate numbers and capacity, make, model, color and motor number of the vehicle used for the transportation.

2. That none of such records of any broker or any other records, accounts, memoranda, documents, papers, or correspondence of such broker pertaining to any transaction subject to the Motor Carrier Act, 1935, shall be destroyed, concealed, or otherwise disposed of within two years after the date of each thereof, and all thereof shall be preserved by the broker who is the owner thereof for inspection by the Commission and its duly authorized special agents and examiners.

3. Every passenger broker shall file with the Commission on or before the 10th day of each month a verified report containing the information required by these rules in respect to each transaction in which such broker has engaged during the preceding month.

4. On the application of any passenger broker the Commission for good cause shown may grant permission to such broker to dispense with the keeping, maintenance and preservation of records and the filing of reports as otherwise required by these rules.

[F. R. Doc. 40-2061; Filed, May 21, 1940; 11:20 a. m.]

[Ex Parte No. MC-36]

RECORDS OF PASSENGER BROKERS

NOTICE OF HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 17th day of May, A. D. 1940.

Section 204 (a) (4) of the Motor Carrier Act, 1935, being under consideration; and good cause therefor appearing;

*It is ordered*, That an investigation be, and it is hereby, instituted into the matter of rules and regulations governing the maintenance, preservation, and reporting of records of brokers of passengers who are subject to section 211 of said Act.

*It is further ordered*, That said proceeding be, and it is hereby, assigned for hearing before Examiner W. W. McCaslin at the following time and places:

June 6, 1940, 9 a. m. (standard time), Skirvin Hotel, Oklahoma City, Oklahoma.

June 10, 1940, 9 a. m. (standard time), Baker Hotel, Dallas, Texas.

June 17, 1940, 9 a. m. (standard time), New Rosslyn Hotel, Los Angeles, California.

June 25, 1940, 9 a. m. (standard time), Empire Hotel, San Francisco, California.

June 29, 1940, 9 a. m. (standard time), Olympic Hotel, Seattle, Washington.

July 6, 1940, 9 a. m. (standard time), rooms of the Public Utilities Commission, Denver, Colorado.

July 12, 1940, 9 a. m. (standard time), Sherman Hotel, Chicago, Illinois.

July 16, 1940, 9 a. m. (standard time), St. George Hotel, Brooklyn, New York.

*And it is further ordered*, That notice of this proceeding and hearings therein be duly given.

By the Commission, division 1.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 40-2062; Filed, May 21, 1940; 11:20 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-4]

IN THE MATTER OF ENGINEERS PUBLIC SERVICE COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER DESIGNATING TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1940.

The Securities and Exchange Commission having issued, on the 28th day of February, 1940, an order pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in which Engineers Public Service Company and its subsidiary companies were made respondents; and

Said order having required said respondents to file their joint or several

answers on or before the 6th day of April, 1940, and further providing that a hearing be held on the twentieth day after said 6th day of April 1940; and

Said Engineers Public Service Company and its subsidiary companies having applied for a continuance of said hearing until May 27, 1940 and said application having been granted:

*It is ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2054; Filed, May 21, 1940; 11:12 a. m.]

[File No. 70-19]

IN THE MATTER OF THE TOLEDO EDISON COMPANY

ORDER RELEASING JURISDICTION REGARDING ATTORNEY FEES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1940.

The Commission, having by its Order entered in the above matter on the 19th day of April 1940, reserved jurisdiction to determine at a latter date whether the fees to be paid to attorneys retained to represent the Toledo Edison Company in connection with the issue and sale of \$3,000,000 principal amount of First Mortgage Bonds 3 1/4% Series, due 1970, and \$7,250,000 principal amount of 3 1/2% Sinking Fund Debentures, due 1960, of the Toledo Edison Company, are or are not reasonable, and the Commission, after investigation, being of the opinion that the amount hereinafter set forth constitutes full and reasonable compensation for the services performed;

*It is ordered*, That jurisdiction is hereby released with respect to \$20,000 which sum shall constitute full and reasonable payment and full satisfaction for the services rendered by the attorneys retained to represent the Toledo Edison Company in connection with the issue and sale of such bonds and debentures.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2055; Filed, May 21, 1940; 11:12 a. m.]

Rehman